United Nations A/C.3/70/L.19

General Assembly

Distr.: Limited
19 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 28 (c)
**Social development: follow-up to the International Year of Older Persons: Second World Assembly on Ageing**

**South Africa:* draft resolution**

## Follow-up to the Second World Assembly on Ageing

*The General Assembly*,

*Recalling* its resolution 57/167 of 18 December 2002, in which it endorsed the Political Declaration[1] and the Madrid International Plan of Action on Ageing, 2002,[2] its resolution 58/134 of 22 December 2003, in which it took note, inter alia, of the road map for the implementation of the Madrid Plan of Action, and its resolutions 60/135 of 16 December 2005, 61/142 of 19 December 2006, 62/130 of 18 December 2007, 63/151 of 18 December 2008, 64/132 of 18 December 2009, 65/182 of 21 December 2010, 66/127 of 19 December 2011, 67/139 and 67/143 of 20 December 2012, 68/134 of 18 December 2013 and 69/146 of 18 December 2014,

*Recognizing* that, in many parts of the world, awareness of the Madrid Plan of Action remains limited or non-existent, which limits the scope of implementation efforts,

*Taking note* of the report of the Secretary-General,[3]

*Welcoming* the important opportunity to further mainstream ageing issues provided by the adoption of the 2030 Agenda for Sustainable Development and the pledge that no one shall be left behind,[4]

*Recognizing* that, between 2015 and 2030, the number of persons aged 60 years or over in the world is projected to grow by 56 per cent, from 901 million

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex I.

[2] Ibid., annex II.

[3] A/70/185.

[4] Resolution 70/1.



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to 1.4 billion,[5] and recognizing also that the increase in the number of older people will be the greatest and the most rapid in the developing world,

*Recalling* World Health Assembly resolution 58.16 of 25 May 2005 on strengthening active and healthy ageing, which stressed the important role of public health policies and programmes in enabling the rapidly growing number of older persons in both developed and developing countries to remain in good health and maintain their many vital contributions to the well-being of their families, communities and societies,

*Recalling also* World Health Assembly resolution 65.3 of 25 May 2012 on strengthening non-communicable diseases policies to promote active ageing, which recognized that population ageing is among the major factors contributing to the rising incidence and prevalence of non-communicable diseases,

*Concerned* that many health systems are not sufficiently prepared to respond to the needs of the rapidly ageing population, including the need for preventative, curative, palliative and specialized care,

*Deeply concerned* that the situation of older persons in many parts of the world has been negatively affected by different crises, including financial and economic crises, and noting with concern the high incidence of poverty among this particularly vulnerable group,

*Recognizing* the essential contribution that older men and women can make to the functioning of societies and to the achievement of the 2030 Agenda for Sustainable Development if adequate guarantees are in place,

*Concerned* about the multiple forms of discrimination that may affect older persons and the enjoyment of their human rights, particularly those in vulnerable situations, and noting that older women often face multiple forms of discrimination resulting from their gender-based roles in society, compounded by their age or disability or on other grounds,

1. *Reaffirms* the Political Declaration[1] and the Madrid International Plan of Action on Ageing, 2002;[2]

2. *Calls upon* all States and the international community to cooperate, support and participate in the global efforts towards the full implementation of the outcome document entitled "Transforming our world: the 2030 Agenda for Sustainable Development" and to mobilize all necessary resources and support in that regard, according to national plans and strategies, including through an integrated and multifaceted approach to improving the well-being of older persons;

3. *Recognizes* that the major challenges faced by older persons undermine their social, economic and cultural participation;

4. *Also recognizes* the challenges related to the enjoyment of all human rights that older persons face in different areas, and that those challenges require measures to address protection gaps, and calls upon all States to promote and ensure the full realization of all human rights and fundamental freedoms for older persons, including by taking measures to provide social protection, food and housing, employment and access to justice, to combat age discrimination and to address

[5] See *World Population Ageing 2015*.

issues related to social integration, bearing in mind the crucial importance of family intergenerational interdependence, solidarity and reciprocity for social development;

5. *Takes note* of the appointment by the Human Rights Council of the Independent Expert on the enjoyment of all human rights by older persons, and invites Member States to cooperate with the Independent Expert in carrying out her mandate, and notes her report to the Human Rights Council at its thirtieth session;[6]

6. *Invites* Member States to continue to share their national experiences in developing and implementing policies and programmes aimed at strengthening the promotion and protection of the human rights of older persons, including within the framework of the Open-ended Working Group on Ageing established by the General Assembly in paragraph 28 of its resolution 65/182;

7. *Stresses* the importance of the Independent Expert and the Open-ended Working Group working in close coordination, while avoiding unnecessary duplication of each other's mandates and those of other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and treaties;

8. *Encourages* all Member States to be mindful of the reports of the Independent Expert, including the comprehensive report to be brought to the attention of the Open-ended Working Group in September 2016;

9. *Encourages* Governments to actively address, through national, regional and international efforts, issues that affect older persons and to ensure that the social integration of older persons and the promotion and protection of their rights form an integral part of development policies at all levels;

10. *Invites* Member States to adopt and implement non-discriminatory policies and to systematically review and amend, where appropriate, existing practices and regulations that discriminate against older persons, in order to promote an enabling environment for older persons;

11. *Encourages* Member States to address the issue of discrimination on the basis of age in relevant national legislation and to take appropriate measures to prevent discrimination against older persons;

12. *Encourages* Governments to pay greater attention to building capacity to eradicate poverty among older persons, in particular older women, by mainstreaming ageing issues into poverty eradication, women's empowerment strategies and national development plans, and to include both ageing-specific policies and ageing-mainstreaming efforts in their national strategies;

13. *Encourages* Member States to strengthen their efforts to develop national capacities to address their national implementation priorities identified during the review and appraisal of the Madrid Plan of Action, by devising strategies that take into account the entirety of the human life course and foster intergenerational solidarity, and through the strengthening of institutional mechanisms, research, data collection and analysis and the training of necessary personnel in the field of ageing;

[6] A/HRC/30/43.

14. *Invites* Member States to identify key priority areas for implementation of the Madrid Plan of Action, including empowering older persons and promoting their rights, raising awareness of ageing issues and building national capacity to address ageing;

15. *Invites* Governments to conduct their ageing-related policies through inclusive and participatory consultations with relevant stakeholders and social development partners, in the interest of developing effective policies that create national policy ownership and consensus-building;

16. *Recommends* that Member States enhance their capacity to more effectively collect data, statistics and qualitative information, disaggregated when necessary by relevant factors, including sex, age and disability, in order to better assess the situation of older persons, and recognizes that the data revolution presents new opportunities for the use of new data to help with the measurement of progress in the implementation of the 2030 Agenda for Sustainable Development and to ensure that no one is left behind;[7]

17. *Recommends* that States parties to existing international human rights instruments, where appropriate, address the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedures mandate holders, in accordance with their mandates, to pay more attention to the situation of older persons in their dialogue with Member States, in their consideration of reports or in their country missions;

18. *Encourages* Governments to continue their efforts to implement the Madrid Plan of Action and to mainstream the concerns of older persons into their policy agendas, bearing in mind the crucial importance of intergenerational family interdependence, solidarity and reciprocity for social development and the realization of all human rights for older persons, and to prevent age discrimination and provide social integration;

19. *Recognizes* the importance of strengthening intergenerational partnerships and solidarity, and in this regard calls upon Member States to promote opportunities for voluntary, constructive and regular interaction between young people and older generations in the family, the workplace and society at large;

20. *Encourages* Member States to adopt social policies that promote the development of community services for older persons, taking into account the psychological and physical aspects of ageing and the special needs of older women;

21. *Also encourages* Member States to ensure that older persons have access to information about their rights so as to enable them to participate fully and justly in their societies and to claim full enjoyment of all human rights;

22. *Calls upon* Member States to develop their national capacity for monitoring and enforcing the rights of older persons, in consultation with all sectors of society, including organizations of older persons, through, inter alia, national institutions for the promotion and protection of human rights, where applicable;

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[7] See Statistical Commission, decision 46/101 (*Official Records of the Economic and Social Council, 2015, Supplement No. 4* (E/2015/24), chap. I, sect. C) and General Assembly resolution 70/1, para. 48.

23. *Also calls upon* Member States to strengthen and incorporate a gender and disability perspective into all policy actions on ageing, as well as to address and eliminate discrimination on the basis of age, sex or disability, and recommends that Member States engage with all sectors of society, in particular with relevant organizations with an interest in the matter, including organizations of older persons, women and persons with disabilities, in changing negative stereotypes about older persons, in particular older women and older persons with disabilities, and promote positive images of older persons;

24. *Acknowledges* that universal health coverage implies that all people, including older persons, have access, without discrimination, to nationally determined sets of needed promotive, preventive, curative and rehabilitative basic health services and essential, safe, affordable, effective and quality medicines, while ensuring that the use of such services does not expose older persons to financial hardship, with a special emphasis on the poor, vulnerable and marginalized;

25. *Urges* Member States to develop, implement and evaluate policies and programmes that promote healthy and active ageing and the highest attainable standard of health and well-being for older persons and to develop health care for older persons as part of primary care in the existing national health systems;

26. *Recognizes* the importance of training, education and capacity-building of the health workforce, including for home-based care;

27. *Urges* Member States to strengthen intersectoral policy frameworks and institutional mechanisms, as appropriate, for the integrated management of the prevention and control of non-communicable diseases, including health promotion, health care and social welfare services, in order to address the needs of older persons;

28. *Calls upon* Member States to address the issue of the well-being and adequate health care of older persons, as well as any cases of neglect, abuse and violence against older persons, by designing and implementing more effective prevention strategies and stronger laws and by developing coherent and comprehensive policy frameworks to address these problems and their underlying factors;

29. *Also calls upon* Member States to take concrete measures to further protect and assist older persons in emergency situations, in accordance with the Madrid Plan of Action and the Sendai Framework for Disaster Risk Reduction 2015-2030;

30. *Stresses* that, in complementing national development efforts, enhanced international cooperation, including North-South, which is complemented by South-South and triangular regional and international cooperation, is essential to support developing countries in implementing the Madrid Plan of Action, while recognizing the importance of such assistance as well as the provision of financial assistance;

31. *Encourages* Member States to ensure that the principle of non-discrimination on the basis of age is incorporated and upheld in health policies and programmes and that the implementation of such policies and programmes is regularly monitored;

32. *Recommends* that Governments involve older persons and their organizations in the formulation, implementation and monitoring of policies and programmes that affect them;

33. *Encourages* the international community and the relevant agencies of the United Nations system, within their respective mandates, to support national efforts to provide funding for research and data-collection initiatives on ageing, as appropriate, in order to better understand the challenges and opportunities presented by population ageing and to provide policymakers with more accurate and more specific information with regard to a gender perspective on ageing;

34. *Requests* the United Nations focal points on ageing to enhance their collaboration, and recommends that Member States reaffirm the role of the United Nations on ageing and increase technical cooperation efforts, expand the role of the regional commissions on ageing issues and continue to provide resources for those efforts, facilitate the coordination of national and international non-governmental organizations on ageing and enhance cooperation with all relevant stakeholders, to promote ageing issues and develop partnerships in this regard;

35. *Reiterates* the need for additional capacity-building at the national level in order to promote and facilitate further implementation of the Madrid Plan of Action, and in this regard encourages Governments to support the United Nations Trust Fund for Ageing so as to enable the Department of Economic and Social Affairs of the Secretariat to provide expanded assistance to countries, upon their request;

36. *Requests* relevant entities of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), to ensure that the situation of older women is mainstreamed and incorporated across their work, and to support, in accordance with their respective mandates, the implementation of the 2030 Agenda for Sustainable Development, in particular, to achieve gender equality and the empowerment of all women and girls;

37. *Notes with appreciation* the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, intergovernmental and relevant non-governmental organizations, national human rights institutions and invited panellists, during the first six working sessions of the Working Group;

38. *Requests* the Working Group to submit to the General Assembly at its seventieth session a compilation of the above-mentioned proposals and measures;

39. *Invites* relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as intergovernmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Open-ended Working Group, as appropriate;

40. *Requests* the Secretary-General to continue to provide all necessary support to the Working Group, within existing resources, for the organization of a seventh working session, in 2016;

41. *Invites* the Independent Expert to address and engage in an interactive dialogue with the General Assembly at its seventy-first session under the item entitled "Social development";

42. *Requests* the Secretary-General to submit to the General Assembly at its seventy-first session a report on the implementation of the present resolution.

United Nations A/C.3/70/L.19/Rev.1

General Assembly

Distr.: Limited
22 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 28 (c)
**Social development: follow-up to the International Year of Older Persons: Second World Assembly on Ageing**

**South Africa:* revised draft resolution**

## Follow-up to the Second World Assembly on Ageing

*The General Assembly*,

*Recalling* its resolution 57/167 of 18 December 2002, in which it endorsed the Political Declaration[1] and the Madrid International Plan of Action on Ageing, 2002,[2] its resolution 58/134 of 22 December 2003, in which it took note, inter alia, of the road map for the implementation of the Madrid Plan of Action, and its resolutions 60/135 of 16 December 2005, 61/142 of 19 December 2006, 62/130 of 18 December 2007, 63/151 of 18 December 2008, 64/132 of 18 December 2009, 65/182 of 21 December 2010, 66/127 of 19 December 2011, 67/139 and 67/143 of 20 December 2012, 68/134 of 18 December 2013 and 69/146 of 18 December 2014,

*Recognizing* that, in many parts of the world, awareness of the Madrid Plan of Action remains limited or non-existent, which limits the scope of implementation efforts,

*Taking note* of the report of the Secretary-General,[3]

*Welcoming* the important opportunity to further mainstream ageing issues provided by the adoption of the 2030 Agenda for Sustainable Development and the pledge that no one shall be left behind,[4]

*Recognizing* that, between 2015 and 2030, the number of persons aged 60 years or over in the world is projected to grow by 56 per cent, from 901 million

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex I.

[2] Ibid., annex II.

[3] A/70/185.

[4] Resolution 70/1.



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to 1.4 billion,[5] and recognizing also that the increase in the number of older people will be the greatest and the most rapid in the developing world,

*Recalling* World Health Assembly resolution 58.16 of 25 May 2005 on strengthening active and healthy ageing, which stressed the important role of public health policies and programmes in enabling the rapidly growing number of older persons in both developed and developing countries to remain in good health and maintain their many vital contributions to the well-being of their families, communities and societies,

*Recalling also* World Health Assembly resolution 65.3 of 25 May 2012 on strengthening non-communicable diseases policies to promote active ageing, which recognized that population ageing is among the major factors contributing to the rising incidence and prevalence of non-communicable diseases,

*Concerned* that many health systems are not sufficiently prepared to respond to the needs of the rapidly ageing population, including the need for preventative, curative, palliative and specialized care,

*Deeply concerned* that the situation of older persons in many parts of the world has been negatively affected by different crises, including financial and economic crises, and noting with concern the high incidence of poverty among this particularly vulnerable group,

*Recognizing* the essential contribution that older men and women can make to the functioning of societies and to the achievement of the 2030 Agenda for Sustainable Development if adequate guarantees are in place,

*Concerned* about the multiple forms of discrimination that may affect older persons and the enjoyment of their human rights, particularly those in vulnerable situations, and noting that older women often face multiple forms of discrimination resulting from their gender-based roles in society, compounded by their age or disability or on other grounds,

1. *Reaffirms* the Political Declaration[1] and the Madrid International Plan of Action on Ageing, 2002;[2]

2. *Calls upon* all States and the international community to cooperate, support and participate in the global efforts towards the full implementation of the outcome document entitled "Transforming our world: the 2030 Agenda for Sustainable Development" and to mobilize all necessary resources and support in that regard, according to national plans and strategies, including through an integrated and multifaceted approach to improving the well-being of older persons;

3. *Recognizes* that the major challenges faced by older persons undermine their social, economic and cultural participation;

4. *Notes* the recent regional developments towards the effective protection and promotion of the human rights of older persons, such as the Inter-American Convention on Protecting the Human Rights of Older Persons;

5. *Also recognizes* the challenges related to the enjoyment of all human rights that older persons face in different areas, and that those challenges require measures to address protection gaps, and calls upon all States to promote and ensure

[5] See *World Population Ageing 2015*.

the full realization of all human rights and fundamental freedoms for older persons, including by taking measures to provide social protection, food and housing, employment and access to justice, to combat age discrimination and to address issues related to social integration, bearing in mind the crucial importance of family intergenerational interdependence, solidarity and reciprocity for social development;

6. *Takes note* of the appointment by the Human Rights Council of the Independent Expert on the enjoyment of all human rights by older persons, and invites Member States to cooperate with the Independent Expert in carrying out her mandate, and notes her report to the Human Rights Council at its thirtieth session;[6]

7. *Invites* Member States to continue to share their national experiences in developing and implementing policies and programmes aimed at strengthening the promotion and protection of the human rights of older persons, including within the framework of the Open-ended Working Group on Ageing established by the General Assembly in paragraph 28 of its resolution 65/182;

8. *Stresses* the importance of the Independent Expert and the Open-ended Working Group working in close coordination, while avoiding unnecessary duplication of each other's mandates and those of other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and treaties;

9. *Encourages* all Member States to be mindful of the reports of the Independent Expert, including the comprehensive report to be brought to the attention of the Working Group in September 2016;

10. *Encourages* Governments to actively address, through national, regional and international efforts, issues that affect older persons and to ensure that the social integration of older persons and the promotion and protection of their rights form an integral part of development policies at all levels;

11. *Invites* Member States to adopt and implement non-discriminatory policies and to systematically review and amend, where appropriate, existing practices and regulations that discriminate against older persons, in order to promote an enabling environment for older persons;

12. *Encourages* Member States to address the issue of discrimination on the basis of age in relevant national legislation and to take appropriate measures to prevent discrimination against older persons;

13. *Also encourages* Member States to improve accessibility to infrastructure, including in cities, in particular in the areas of transportation, housing and public spaces, recognizing that inclusive cities make a significant contribution to the economic and social participation of older persons and that accessibility is an important dimension of sustainable cities;

14. *Encourages* Governments to pay greater attention to building capacity to eradicate poverty among older persons, in particular older women, by mainstreaming ageing issues into poverty eradication, women's empowerment strategies and national development plans, and to include both ageing-specific policies and ageing-mainstreaming efforts in their national strategies;

[6] A/HRC/30/43.

15. *Encourages* Member States to strengthen their efforts to develop national capacities to address their national implementation priorities identified during the review and appraisal of the Madrid Plan of Action, by devising strategies that take into account the entirety of the human life course and foster intergenerational solidarity, and through the strengthening of institutional mechanisms, research, data collection and analysis and the training of necessary personnel in the field of ageing;

16. *Invites* Member States to identify key priority areas for implementation of the Madrid Plan of Action, including empowering older persons and promoting their rights, raising awareness of ageing issues and building national capacity to address ageing;

17. *Invites* Governments to conduct their ageing-related policies through inclusive and participatory consultations with relevant stakeholders and social development partners, in the interest of developing effective policies that create national policy ownership and consensus-building;

18. *Recommends* that Member States enhance their capacity to more effectively collect data, statistics and qualitative information, disaggregated when necessary by relevant factors, including sex, age and disability, in order to better assess the situation of older persons, and recognizes that the data revolution presents new opportunities for the use of new data to help with the measurement of progress in the implementation of the 2030 Agenda for Sustainable Development and to ensure that no one is left behind;[7]

19. *Recommends* that States parties to existing international human rights instruments, where appropriate, address the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedures mandate holders, in accordance with their mandates, to pay more attention to the situation of older persons in their dialogue with Member States, in their consideration of reports or in their country missions;

20. *Encourages* Governments to continue their efforts to implement the Madrid Plan of Action and to mainstream the concerns of older persons into their policy agendas, bearing in mind the crucial importance of intergenerational family interdependence, solidarity and reciprocity for social development and the realization of all human rights for older persons, and to prevent age discrimination and provide social integration;

21. *Recognizes* the importance of strengthening intergenerational partnerships and solidarity, and in this regard calls upon Member States to promote opportunities for voluntary, constructive and regular interaction between young people and older generations in the family, the workplace and society at large;

22. *Encourages* Member States to adopt social policies that promote the development of community services for older persons, taking into account the psychological and physical aspects of ageing and the special needs of older women;

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[7] See Statistical Commission, decision 46/101 (*Official Records of the Economic and Social Council, 2015, Supplement No. 4* (E/2015/24), chap. I, sect. C) and General Assembly resolution 70/1, para. 48.

23. *Also encourages* Member States to ensure that older persons have access to information about their rights so as to enable them to participate fully and justly in their societies and to claim full enjoyment of all human rights;

24. *Calls upon* Member States to develop their national capacity for monitoring and enforcing the rights of older persons, in consultation with all sectors of society, including organizations of older persons, through, inter alia, national institutions for the promotion and protection of human rights, where applicable;

25. *Also calls upon* Member States to strengthen and incorporate a gender and disability perspective into all policy actions on ageing, as well as to address and eliminate discrimination on the basis of age, sex or disability, and recommends that Member States engage with all sectors of society, in particular with relevant organizations with an interest in the matter, including organizations of older persons, women and persons with disabilities, in changing negative stereotypes about older persons, in particular older women and older persons with disabilities, and promote positive images of older persons;

26. *Acknowledges* that universal health coverage implies that all people, including older persons, have access, without discrimination, to nationally determined sets of needed promotive, preventive, curative and rehabilitative basic health services and essential, safe, affordable, effective and quality medicines, while ensuring that the use of such services does not expose older persons to financial hardship, with a special emphasis on the poor, vulnerable and marginalized;

27. *Urges* Member States to develop, implement and evaluate policies and programmes that promote healthy and active ageing and the highest attainable standard of health and well-being for older persons and to develop health care for older persons as part of primary care in the existing national health systems;

28. *Recognizes* the importance of training, education and capacity-building of the health workforce, including for home-based care;

29. *Urges* Member States to strengthen intersectoral policy frameworks and institutional mechanisms, as appropriate, for the integrated management of the prevention and control of non-communicable diseases, including health promotion, health care and social welfare services, in order to address the needs of older persons;

30. *Calls upon* Member States to address the issue of the well-being and adequate health care of older persons, as well as any cases of neglect, abuse and violence against older persons, by designing and implementing more effective prevention strategies and stronger laws and by developing coherent and comprehensive policy frameworks to address these problems and their underlying factors;

31. *Also calls upon* Member States to take concrete measures to further protect and assist older persons in emergency situations, in accordance with the Madrid Plan of Action and the Sendai Framework for Disaster Risk Reduction 2015-2030;

32. *Stresses* that, in complementing national development efforts, enhanced international cooperation, including North-South, which is complemented by South-South and triangular regional and international cooperation, is essential to support

developing countries in implementing the Madrid Plan of Action, while recognizing the importance of such assistance as well as the provision of financial assistance;

33. *Encourages* Member States to ensure that the principle of non-discrimination on the basis of age is incorporated and upheld in health policies and programmes and that the implementation of such policies and programmes is regularly monitored;

34. *Recommends* that Governments involve older persons and their organizations in the formulation, implementation and monitoring of policies and programmes that affect them;

35. *Encourages* the international community and the relevant agencies of the United Nations system, within their respective mandates, to support national efforts to provide funding for research and data-collection initiatives on ageing, as appropriate, in order to better understand the challenges and opportunities presented by population ageing and to provide policymakers with more accurate and more specific information with regard to a gender perspective on ageing;

36. *Requests* the United Nations focal points on ageing to enhance their collaboration, and recommends that Member States reaffirm the role of the United Nations on ageing and increase technical cooperation efforts, expand the role of the regional commissions on ageing issues and continue to provide resources for those efforts, facilitate the coordination of national and international non-governmental organizations on ageing and enhance cooperation with all relevant stakeholders, to promote ageing issues and develop partnerships in this regard;

37. *Reiterates* the need for additional capacity-building at the national level in order to promote and facilitate further implementation of the Madrid Plan of Action, and in this regard encourages Governments to support the United Nations Trust Fund for Ageing so as to enable the Department of Economic and Social Affairs of the Secretariat to provide expanded assistance to countries, upon their request;

38. *Requests* relevant entities of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), to ensure that the situation of older women is mainstreamed and incorporated across their work, and to support, in accordance with their respective mandates, the implementation of the 2030 Agenda for Sustainable Development, in particular, to achieve gender equality and the empowerment of all women and girls;

39. *Requests* the relevant entities of the United Nations system, including UN-Women, the United Nations Development Programme, the United Nations Population Fund, the International Labour Organization and the World Health Organization, among others, to include in their reports to the General Assembly at its seventy-first session relevant information on efforts made by Member States and the international community towards the social inclusion of older persons;

40. *Encourages* Member States to seize the opportunity provided by the adoption of the 2030 Agenda for Sustainable Development to further mainstream, where appropriate, issues of relevance to older persons in their efforts to promote the attainment of sustainable development;

41. *Notes with appreciation* the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as

relevant bodies and organizations of the United Nations system, intergovernmental and relevant non-governmental organizations, national human rights institutions and invited panellists, during the first six working sessions of the Working Group;

42. *Calls upon* Member States to continue to contribute to the work of the Working Group, in particular by presenting concrete proposals, practical measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons, in order to enable the Working Group to fulfil its mandate of strengthening the protection of the human rights of older persons by considering the existing international framework for the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures;

43. *Requests* the Working Group to submit to the General Assembly at its seventieth session a compilation of the above-mentioned proposals and measures;

44. *Invites* relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as intergovernmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Working Group, as appropriate;

45. *Requests* the Secretary-General to continue to provide all necessary support to the Working Group, within existing resources, for the organization of a seventh working session, in 2016;

46. *Invites* the Independent Expert to address and engage in an interactive dialogue with the General Assembly at its seventy-first session under the item entitled "Social development";

47. *Requests* the Secretary-General to submit to the General Assembly at its seventy-first session a report on the implementation of the present resolution.

United Nations A/C.3/70/L.20

General Assembly

Distr.: Limited
22 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (b)
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Mexico: draft resolution**

## Protection of migrants

*The General Assembly*,

*Recalling* all its previous resolutions on the protection of migrants, the most recent of which is resolution 69/167 of 18 December 2014, and recalling also Human Rights Council resolution 29/2 of 2 July 2015,[1]

*Reaffirming* the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race,

*Reaffirming also* that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

*Recalling* all relevant international instruments, particularly the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the International Convention for the Protection of All Persons from Enforced Disappearance,[5] the Convention on the Elimination of All Forms of Discrimination against Women,[6] the Convention on the

[1] See *Official Records of the General Assembly, Seventieth Session, Supplement No. 53* (A/70/53), chap. V, sect. A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Resolution 61/177, annex.
[6] United Nations, *Treaty Series*, vol. 1249, No. 20378.

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Rights of the Child,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention on the Rights of Persons with Disabilities,[9] the Vienna Convention on Consular Relations[10] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[11] the United Nations Convention against Transnational Organized Crime and the protocols thereto,[12] in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[13] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[14]

*Acknowledging* the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

*Recalling* the provisions concerning migrants contained in the outcome documents of major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development[15] and the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",[16]

*Recalling also* Commission on Population and Development resolutions 2006/2 of 10 May 2006[17] and 2009/1 of 3 April 2009,[18] and its resolution 2013/1 of 26 April 2013 on new trends in migration: demographic aspects,[19]

*Taking note* of advisory opinion OC 16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law, advisory opinion OC 18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, and advisory opinion OC 21/14 of 19 August 2014 on the Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, issued by the Inter-American Court of Human Rights,

*Taking note also* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[20] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of

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[7] Ibid., vol. 1577, No. 27531.
[8] Ibid., vol. 660, No. 9464.
[9] Ibid., vol. 2515, No. 44910.
[10] Ibid., vol. 596, No. 8638.
[11] Ibid., vol. 2220, No. 39481.
[12] Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.
[13] Ibid., vol. 2241, No. 39574.
[14] Ibid., vol. 2237, No. 39574.
[15] Resolution 63/303, annex.
[16] Resolution 70/1.
[17] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.
[18] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.
[19] Ibid., *2013, Supplement No. 5* (E/2013/25), chap. I, sect. B.
[20] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.

the *Avena* Judgment,[21] and recalling the obligations of States reaffirmed in both decisions,

*Underlining* the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

*Recognizing* that women represent almost half of all international migrants, and in this regard recognizing also that women migrant workers are important contributors to social and economic development in countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

*Recalling* Sustainable Development Goal 8, especially the protection of labour rights and the promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants,

*Recognizing* the importance of the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013, which recognized the important contribution of migration in realizing the Millennium Development Goals and recognized that human mobility was a key factor for sustainable development, as stated in paragraph 29 of resolution 70/1 of 25 September 2015,

*Taking note* of the conclusions and recommendations of the eighth meeting of the Global Forum on Migration and Development, held in Turkey in October 2015, focused on the theme "Migration and human mobility for sustainable development", which stressed the importance of protecting the human rights of migrants in order to achieve the full benefits of migration, the mainstreaming of migration into planning at the sectoral level and the importance of international cooperation and responsibility-sharing to enhance human development and well-being for people across international borders,

*Recognizing* the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crises, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

*Emphasizing* the multidimensional character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of all migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of continued security concerns,

*Acknowledging* the complexity of migratory flows and that international migration movements also occur within the same geographical regions, and in this context calling for a better understanding of migration patterns across and within regions,

*Recognizing* the importance of coordinating international efforts to provide assistance and support to migrants in vulnerable situations and, as appropriate,

[21] Ibid., *Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.

facilitate the voluntary return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

*Bearing in mind* the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Affirming* that migrant smuggling and crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

*Stressing* the importance of all regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

*Stressing also* the obligation of States to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies, and expressing its concern at measures that, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms, and in this regard recalling that sanctions and the treatment given to irregular migrants should be commensurate with their offences,

*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

*Recognizing* the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

*Concerned* about the large number of migrants, especially women and children, including those unaccompanied or separated from their parents, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

*Recognizing* the obligations of countries of origin, transit and destination under international human rights law,

*Underlining* the importance for States, in cooperation with civil society, including non-governmental organizations, workers' organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of

migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises and natural disasters on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, to reinforce the existing laws when hate crimes, xenophobic or intolerant acts, manifestations or expressions against migrants occur in order to eradicate impunity for those who commit those acts and, where appropriate, to provide effective remedy to the victims;

(b) Encourages States to establish or, when appropriate, strengthen mechanisms that allow migrants to report alleged cases of abuse by relevant authorities and employers without fear of reprisal, and that allow for such complaints to be addressed fairly;

(c) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(d) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(e) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[11] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(f) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its twenty-first and twenty-second sessions;[22]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and inherent dignity of migrants, to put an end to arbitrary arrest and detention and, in order to avoid excessive detention of irregular migrants, to review, where necessary, detention periods and to use alternatives to detention, where appropriate, including measures that have been successfully implemented by some States;

(b) Encourages States to put in place, if they have not yet done so, appropriate systems and procedures in order to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children, regardless of their migration status, and to use, when applicable, alternatives to the detention of migrant children;

(c) Also encourages States to cooperate and to take appropriate measures to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information sharing and joint operational functions, enhancing capacities and support opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants, particularly as they relate to the victimization of women and children;

(d) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and to adequately train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with their obligations under international human rights law;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(g) Calls upon States to analyse and implement, where appropriate, mechanisms for the safe and orderly administration of returning migration flows, with particular attention to the human rights of migrants in accordance with international law;

(h) Also calls upon States to prosecute, in conformity with applicable law, acts of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from the country of origin to the country of destination and vice versa, including transit across national borders;

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[22] *Official Records of the General Assembly, Seventieth Session, Supplement No. 48* (A/70/48).

(i) Recognizes the particular vulnerability of migrants in transit situations, including through national borders, and the need to ensure full respect for their human rights also in these circumstances;

(j) Also recognizes the importance of upholding international human rights law through coordinated efforts of the international community to assist and support migrants stranded in vulnerable situations;

(k) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[10] in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(l) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(m) Invites Member States to consider ratifying relevant conventions of the International Labour Organization, including the Domestic Workers Convention, 2011 (No. 189);

(n) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers or subject them to unnecessary restrictions;

(o) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of national laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Calls upon States, within the framework of applicable international law, to ensure that their national procedures at international borders include adequate safeguards to protect the dignity, safety and human rights of all migrants;

(d) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(e) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(f) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and legal channels that recognize the skills and education of women migrant workers and, as appropriate, to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(g) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(h) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(i) Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to education and, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(j) Reminds all States that all persons, including migrants, should have access to lifelong learning opportunities, regardless of their migratory status, that help them to acquire the knowledge and skills needed to take advantage of opportunities and to participate fully in society;

(k) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including unaccompanied children and persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child, clarity about reception and care arrangements and family reunification;

(l) Urges States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto[12] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Encourages* States to take into account the conclusions and recommendations of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the

international framework for the protection of the rights of the child in the context of migration[23] when designing and implementing their migration policies;

7. *Also encourages* States to protect migrant victims of national and transnational organized crime, including kidnapping and trafficking and, in some instances, smuggling, including through the implementation of programmes and policies that prevent victimization and guarantee protection and access to medical, psychosocial and legal assistance, where appropriate;

8. *Encourages* Member States that have not already done so to enact national legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude, exploitation, debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to prevent, investigate and combat such trafficking in persons and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to facilitate the orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, in order to reduce inequality within and among countries;

(c) Also encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(d) Further encourages States to cooperate effectively in protecting witnesses in cases of smuggling of migrants, regardless of their migration status;

(e) Encourages States to cooperate effectively in protecting witnesses and victims in cases of trafficking in persons, regardless of their migration status;

(f) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

[23] A/HRC/15/29.

(g) Encourages States to include information on measures to protect the human rights of all migrants in their national reports to the Working Group on the Universal Periodic Review of the Human Rights Council;

10. *Welcomes* the consideration given to the issues of migration, development and human rights in the 2030 Agenda for Sustainable Development,[16] as noted throughout the present resolution;

11. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue in relevant international meetings with a view to strengthening and making more inclusive public policies aimed at promoting and respecting human rights, including those of migrants;

12. *Requests* Governments and international organizations to take appropriate measures to give due consideration to the declaration of the High-level Dialogue on International Migration and Development held on 3 and 4 October 2013;[24]

13. *Recognizes* the importance of the contribution of the United Nations High Commissioner for Human Rights, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur on the human rights of migrants, as well as other key actors, to the discussion on international migration;

14. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-first session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

15. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its seventy-first session, under the item entitled "Promotion and protection of human rights";

16. *Takes note* of the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants, and notes the recommendations on migrant domestic workers contained therein;[25]

17. *Requests* the Secretary-General to submit to the General Assembly and Human Rights Council at their seventy-first and thirty-third sessions, respectively, a comprehensive report on the human rights of migrants, covering all aspects of the implementation of the present resolution.

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[24] Resolution 68/4.

[25] A/70/259.

United Nations A/C.3/70/L.21

General Assembly

Distr.: Limited
23 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (a)
**Promotion and protection of human rights: implementation of human rights instruments**

**Croatia, Denmark, Finland, Germany, Hungary, Iceland, Luxembourg, Norway, Poland and Sweden: draft resolution**

## International Covenants on Human Rights

*The General Assembly*,

*Recalling* its resolution 68/155 of 18 December 2013,

*Welcoming* the forthcoming fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights[1] and the International Covenant on Economic, Social and Cultural Rights,[1]

1. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-ninth[2] and seventieth[3] sessions;

2. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its fiftieth and fifty-first sessions[4] and on its fifty-second and fifty-third sessions;[5]

3. *Decides* to devote one plenary meeting of the General Assembly, within existing resources, at its seventy-first session, to the commemoration of the fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights[1] and the International Covenant on Economic, Social and Cultural Rights,[1] and requests the President of the General Assembly to conduct consultations with Member States in order to determine the modalities for that meeting;

4. *Invites* the Chairs of the Committees to address and engage in an interactive dialogue with the General Assembly at its seventy-first and seventy-second sessions

[1] See resolution 2200 A (XXI), annex.
[2] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 40* (A/69/40), vols. I and II.
[3] Ibid., *Seventieth Session, Supplement No. 40* (A/70/40).
[4] *Official Records of the Economic and Social Council, 2014, Supplement No. 2* (E/2014/22).
[5] Ibid., *2015, Supplement No. 2* (E/2015/22).



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under the item entitled "Promotion and protection of human rights", within existing resources;

5. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto,[6] including all reservations and declarations, through the United Nations websites.

[6] See resolution 2200 A (XXI), annex, resolution 44/128, annex, and resolution 63/117, annex.

United Nations A/C.3/70/L.22

General Assembly

Distr.: Limited
23 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 29 (a)
**Advancement of women**

**Denmark, Finland, Iceland, Norway and Sweden: draft resolution**

## Convention on the Elimination of All Forms of Discrimination against Women

*The General Assembly*,

*Recalling* its resolution 68/138 of 18 December 2013,

1. *Welcomes* the report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women;[1]

2. *Also welcomes* the report of the Committee on the Elimination of Discrimination against Women on its fifty-eighth to sixtieth sessions;[2]

3. *Invites* the Chair of the Committee on the Elimination of Discrimination against Women to address and to engage in an interactive dialogue with the General Assembly at its seventy-first and seventy-second sessions under the item on the advancement of women;

4. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on the status of the Convention.

[1] A/70/124.
[2] *Official Records of the General Assembly, Seventieth Session, Supplement No. 38* (A/70/38).

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United Nations A/C.3/70/L.23

General Assembly

Distr.: Limited
23 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (b)
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Mexico: draft resolution**

## Protection of human rights and fundamental freedoms while countering terrorism

*The General Assembly*,

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Reaffirming also* the Universal Declaration of Human Rights,[1]

*Reaffirming further* the Vienna Declaration and Programme of Action,[2]

*Reaffirming* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

*Reaffirming also* that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

*Reaffirming further* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Reiterating* the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights and fundamental freedoms, as well as the need to continue this fight, including by strengthening international cooperation and the role of the United Nations in this respect,

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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*Reaffirming its unequivocal condemnation* of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

*Deeply deploring* the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee and humanitarian law,

*Noting with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

*Stressing* that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law,

*Stressing also* that a criminal justice system based on respect for human rights and the rule of law, including due process and fair trial guarantees, is one of the best means for effectively countering terrorism and ensuring accountability,

*Recalling* article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism,[3]

*Recognizing* that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

*Emphasizing* the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4] in the fight against terrorism,

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[3] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

Recalling its resolution 68/178 of 18 December 2013, Human Rights Council resolutions 25/7 of 27 March 2014[5] and 29/9 of 2 July 2015,[6] as well as other relevant resolutions and decisions as stated in the preamble to General Assembly resolution 65/221 of 21 December 2012, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

*Recalling also* its resolution 60/288 of 8 September 2006, by which it adopted the United Nations Global Counter-Terrorism Strategy, and its resolution 66/282 of 29 June 2012 on the review of the Strategy, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

*Recalling further* Human Rights Council resolution 22/8 of 21 March 2013,[7] by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

*Recalling* its resolution 64/115 of 16 December 2009 and the annex thereto entitled "Introduction and implementation of sanctions imposed by the United Nations", in particular the provisions of the annex regarding listing and delisting procedures,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance and other appropriate measures to protect, respect and promote their human rights;

3. *Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms, as well as of international refugee and humanitarian law, committed in the context of countering terrorism;

4. *Reaffirms* that all counter-terrorism measures should be implemented in accordance with their obligations under international law, including international human rights, refugee and humanitarian law, thereby taking into full consideration the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

5. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[8] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in

[5] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.

[6] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. V, sect. A.

[7] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

[8] See resolution 2200 A (XXI), annex.

accordance with that article in all cases, underlines the exceptional and temporary nature of any such derogations,[9] and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

6. *Urges* States, while countering terrorism:

(a) To fully comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To take all steps necessary to ensure that persons deprived of liberty, regardless of the place of arrest or detention, benefit from the guarantees to which they are entitled under international law, including the review of the detention and other fundamental judicial guarantees;

(c) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and to respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights and humanitarian law;

(d) To take all steps necessary to ensure the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and the entitlement to trial within a reasonable time or release;

(e) To treat all prisoners in all places of detention in accordance with international law, including international human rights and humanitarian law;

(f) To respect the right of persons to equality before the law, courts and tribunals and to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights, and international humanitarian and refugee law;

(g) To safeguard the rights to freedom of expression, association and assembly, and to take measures to ensure that their counter-terrorism legislation and policies do not have a negative impact on the work of civil society;

(h) Also to safeguard the right to privacy in accordance with international law, in particular international human rights law, and to take measures to ensure that interferences with or restrictions on that right are not arbitrary, are adequately regulated by law[10] and are subject to effective oversight and appropriate redress, including through judicial review or other means;

(i) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law, and to take measures to ensure that interference with the right to privacy is regulated by law, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that

[9] See, for example, general comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

[10] See A/HRC/13/37 and Add.1 and 2.

such interference is not arbitrary or unlawful, bearing in mind what is reasonable for the pursuance of legitimate aims;

(j) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

(k) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

(l) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

(m) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened, in violation of international refugee law, on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned, and in that case to adhere to the principle of extradite or prosecute;

(n) Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to cruel, inhuman or degrading treatment or punishment by way of return to another country;

(o) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

(p) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

(q) To ensure that the interrogation methods used against terrorism suspects are consistent with their international obligations and are reviewed on a regular basis to prevent the risk of violations of their obligations under international law, including international human rights and refugee and humanitarian law;

(r) Also to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated has access to a fair procedure for seeking full, effective and enforceable remedy within a reasonable time and that where such violations have been established, victims receive adequate, effective and prompt reparation, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence, including where the violation constitutes a crime under international or national law, to ensure accountability for those responsible for such violations;

(s) Further to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,[1] and their obligations under the International Covenant on Civil and Political Rights, the Geneva Conventions of 1949[11] and the Additional Protocols thereto of 1977,[12] and the 1951 Convention relating to the Status of Refugees[13] and the 1967 Protocol thereto[14] in their respective fields of applicability;

(t) To ensure that gender equality and non-discrimination are taken into account when shaping, reviewing and implementing all counter-terrorism measures, and to promote the full and effective participation of women in those processes;

(u) Also to ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the Charter of the United Nations, human rights law and international humanitarian law, in particular the principles of distinction and proportionality;

7. *Also urges* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

8. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance,[15] the implementation of which will make a significant contribution in support of the rule of law in countering terrorism, including by prohibiting places of secret detention, and encourages all States that have not yet done so to consider signing, ratifying or acceding to the Convention;

9. *Urges* all States that have not yet done so to sign, ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] and encourages States to consider ratifying as a matter of priority the Optional Protocol thereto,[16] the implementation of which will make a significant contribution in support of the rule of law in countering terrorism;

10. *Calls upon* the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

11. *Recognizes* the need to continue to ensure that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the Office of the Ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

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[11] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[12] Ibid., vol. 1125, Nos. 17512 and 17513.
[13] Ibid., vol. 189, No. 2545.
[14] Ibid., vol. 606, No. 8791.
[15] Resolution 61/177, annex.
[16] United Nations, *Treaty Series*, vol. 2375, No. 24841.

12. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

13. *Requests* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to make recommendations, in the context of his mandate, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism, and to continue to report and engage in interactive dialogues on an annual basis with the General Assembly and the Human Rights Council in accordance with their programmes of work;

14. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to his urgent appeals and providing the information requested, and to give serious consideration to responding favourably to his requests to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council regarding the promotion and protection of human rights and fundamental freedoms while countering terrorism;

15. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to him by the General Assembly in its resolution 60/158 of 16 December 2005, and requests him to continue his efforts in this regard;

16. *Takes note with appreciation* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism;[17]

17. *Also takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,[18] which refers, inter alia, to the negative impact of counter-terrorism legislation and other measures on civil society;

18. *Encourages* States, while countering terrorism, to undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of possible breaches of their obligations under international human rights law, with a view to ensuring accountability;

19. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness, inter alia, through regular dialogue, about the need to respect human rights and the rule of law while countering terrorism and support the exchange of best practices to promote and protect human rights, fundamental freedoms and the rule of law in all aspects of counter-terrorism, including, as appropriate, those identified by the Special Rapporteur in his report submitted to the Human Rights Council pursuant to Council resolution 15/15;[19]

20. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its respective bodies, namely,

[17] A/70/271.
[18] A/70/371.
[19] A/HRC/16/51.

the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, with the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and the Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the High Commissioner, the Special Rapporteur, other relevant special procedures and mechanisms of the Human Rights Council and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism;

21. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy,[20] which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

22. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international human rights and refugee and humanitarian law, while countering terrorism, and to encourage the Working Groups of the Task Force to incorporate a human rights perspective into their work;

23. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance, upon request, consistent with their mandates, related to the prevention and suppression of terrorism, to step up their efforts to ensure respect for international human rights and refugee and humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

24. *Urges* relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation;

25. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

26. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its seventy-second session;

27. *Decides* to continue the consideration of the question at its seventy-second session under the item entitled "Promotion and protection of human rights".

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[20] Resolution 60/288.

United Nations A/C.3/70/L.24

General Assembly

Distr.: Limited
23 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 29 (a)
**Advancement of women**

**Argentina, Australia, Benin, Mongolia, Panama and Togo: draft resolution**

# Improvement of the situation of women and girls in rural areas

*The General Assembly*,

*Recalling* its resolutions 56/129 of 19 December 2001, 58/146 of 22 December 2003, 60/138 of 16 December 2005, 62/136 of 18 December 2007, 64/140 of 18 December 2009, 66/129 of 19 December 2011 and 68/139 of 18 December 2013,

*Affirming* the obligation of all States to promote and protect all human rights and fundamental freedoms, and also that all forms of discrimination, including discrimination against women and girls, are contrary to the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women,[3] the Convention on the Rights of the Child,[4] the Convention on the Rights of Persons with Disabilities[5] and other human rights instruments,

*Recalling* the provisions pertaining to women and girls in rural areas contained in the outcome documents of relevant international conferences and summits, in particular the Beijing Declaration[6] and Platform for Action[7] adopted at the Fourth World Conference on Women, the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[8] the outcome document of the high-level plenary

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[4] Ibid., vol. 1577, No. 27531.
[5] Ibid., vol. 2515, No. 44910.
[6] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.
[7] Ibid., annex II.
[8] Resolution S-23/2, annex, and resolution S-23/3, annex.

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Please recycle

meeting of the General Assembly known as the World Conference on Indigenous Peoples[9] and the Declaration on the Right to Development,[10]

*Welcoming* the adoption of the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",[11] and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[12] with a view to achieving gender equality and empowering all women and girls, including women and girls in rural areas,

*Recognizing* that rural women are critical agents in poverty reduction, that they are crucial to the achievement of food security and nutrition in poor and vulnerable households and to environmental sustainability and that, in other ways, they are also critical to the achievement of all of the Sustainable Development Goals,

*Expressing concern* that rural women continue to be economically and socially disadvantaged because of their limited access to economic resources and opportunities, their limited or lack of access to quality education, health care, justice, land, water and other resources, as well as to credit, extension services and agricultural inputs, and expressing concern also about their exclusion from planning and decision-making and their disproportionate burden of unpaid care work,

*Recognizing* the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security[13] and the Principles for Responsible Investment in Agriculture and Food Systems,[14] endorsed by the Committee on World Food Security, which embrace gender equality as one of the main guiding principles of implementation in order to help address the ongoing disparities with regard to access to land and other natural resources,

1. *Takes note* of the report of the Secretary-General;[15]

2. *Urges* Member States, in collaboration with the organizations of the United Nations system and civil society, to continue their efforts to implement the outcome of and to ensure an integrated and coordinated follow-up to the relevant United Nations conferences and summits, including their reviews, and to attach greater importance to the improvement of the situation of rural women and girls, including indigenous women and children, women with disabilities and older women, in their national, regional and global development strategies by, inter alia:

(a) Creating an enabling environment for improving the situation of rural women and ensuring systematic attention to their needs, priorities and contributions, including through enhanced cooperation and a gender perspective, and their full and equal participation in the development, implementation and follow-up of macroeconomic policies, including development policies and programmes and poverty eradication strategies, including poverty reduction strategy papers, where

[9] Resolution 69/2.
[10] Resolution 41/128, annex.
[11] Resolution 70/1.
[12] Resolution 69/313, annex.
[13] Food and Agriculture Organization of the United Nations, document CL 144/9 (C 2013/20), appendix D.
[14] Food and Agriculture Organization of the United Nations, document CFS 2014/41/4 Rev.1.
[15] A/70/204.

they exist, based on the internationally agreed development goals, including the outcome documents of the United Nations Conference on Sustainable Development, entitled "The future we want",[16] and the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development";[11]

(b) Pursuing the political and socioeconomic empowerment of rural women and supporting their full and equal participation in decision-making at all levels, including through affirmative action, where appropriate, including by promoting and protecting the rights of rural women to vote in elections and public referendums, to be eligible for election to publicly elected bodies, to express and associate freely and to assemble peacefully, and support for women's and farmers' organizations in which subsistence and smallholder women farmers are members, labour unions or other associations and civil society groups promoting rural women's rights;

(c) Promoting consultation with and the participation of rural women, including indigenous women, women with disabilities and older women, through their organizations and networks, in the design, development and implementation of and follow-up to gender equality and rural development programmes and strategies;

(d) Ensuring that the perspectives of rural women are taken into account and that they participate in the design, implementation, follow-up and evaluation of policies and activities related to mitigation of post-conflict situations, peace mediation, impacts of climate change and emergencies, including natural disasters, humanitarian assistance, peacebuilding and post-conflict reconstruction, and taking appropriate measures to eliminate all forms of violence and discrimination against rural women and girls in this regard;

(e) Integrating a gender perspective into the design, implementation and evaluation of and follow-up to development policies, plans and programmes, including rural, agricultural and budget policies, where lacking, ensuring coordination at all levels between line ministries and policymakers on gender, gender machineries and other organizations and institutions with gender expertise and paying increased attention to the needs of rural women to ensure that they benefit from policies and programmes adopted in all spheres and that the disproportionate number of rural women living in poverty is reduced;

(f) Mainstreaming gender equality considerations in decision-making processes and the governance of natural resources, leveraging the participation and influence of women in managing the sustainable use of natural resources, and enhancing the capacities of Governments, civil society and development partners to better understand and address gender equality issues in the management and governance of natural resources;

(g) Strengthening measures, including resource generation, to improve maternal health by addressing the specific health and nutrition needs of rural women and taking concrete measures to enhance and provide access to the highest attainable standards of health for women and girls in rural areas, as well as quality, affordable and universally accessible primary health care and support services, including in such areas of sexual and reproductive health as prenatal and postnatal

[16] Resolution 66/288, annex.

health care, emergency obstetric care, family planning information and increasing knowledge, awareness and support for the elimination of harmful practices and the prevention of sexually transmitted infections, including HIV, and by promoting and protecting their reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development,[17] the Beijing Platform for Action[7] and their review outcomes;

(h) Promoting sustainable infrastructure, access to safe drinking water and sanitation and safe cooking and heating practices to improve the health and nutrition of rural women and children;

(i) Investing in and strengthening efforts to meet the basic needs of rural women and girls, including needs relating to their food security and nutrition and that of their families, and to promote adequate standards of living for them, as well as decent conditions for work and access to local, regional and global markets through improved availability, access to and use of critical rural infrastructure, such as energy and transport, science and technology, local services, capacity-building and human resources development measures and the provision of a safe and reliable water supply and sanitation, nutritional programmes, affordable housing programmes, education and literacy programmes and health and social support measures, including in the areas of sexual and reproductive health, reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and their review outcomes, HIV prevention, treatment, care, including psychosocial aspects, and support services;

(j) Designing and implementing national policies and legal frameworks that promote and protect the full enjoyment by rural women and girls of all human rights and fundamental freedoms, and creating an environment that does not tolerate violations or abuses of their rights, including domestic violence, sexual violence and all other forms of gender-based violence;

(k) Ensuring that the rights of older women in rural areas are taken into account with regard to their equal access to basic social services, appropriate social protection/social security measures, equal access to and control of economic resources and their empowerment through access to financial and infrastructure services, with special focus on the provision of support to older women, including indigenous women, who often have access to few resources and are more vulnerable;

(l) Valuing and supporting the critical role and contribution of rural women, including indigenous women in rural areas, in the conservation and sustainable use of traditional crops and biodiversity for present and future generations as an essential contribution to food security and nutrition;

(m) Promoting the rights of women and girls with disabilities in rural areas, including by ensuring access on an equal basis to productive employment and decent work, economic and financial resources and disability-sensitive infrastructure and services, in particular in relation to health and education, as well as by ensuring that their priorities and needs are fully incorporated into policies and programmes, inter alia, through their participation in decision-making processes;

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[17] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

(n) Developing specific assistance programmes and advisory services to promote economic skills of rural women in banking, modern trading and financial procedures and providing microcredit and other financial and business services to a greater number of women in rural areas, in particular female heads of households, for their economic empowerment;

(o) Supporting women entrepreneurs and women smallholder farmers, including those in subsistence farming, by continuing to provide public investment, encouraging private investment in rural women to close the gender gap in agriculture and facilitating their access to extension and financial services, agricultural inputs and land, water sanitation and irrigation, markets and innovative technologies;

(p) Mobilizing resources, including at the national level and through official development assistance, for increasing women's access to existing savings and credit schemes, as well as targeted programmes that provide women with capital, knowledge and tools that enhance their economic capacities;

(q) Seeking to ensure and improve equal access for rural women to decent work in agricultural and non-agricultural sectors, supporting and promoting opportunities in small enterprises, sustainable social enterprises and cooperatives and improving working conditions;

(r) Investing in infrastructure and in time- and labour-saving technologies, especially in rural areas, benefiting women and girls by reducing their burden of domestic activities, affording the opportunity for girls to attend school and for women to engage in self-employment or to participate in the labour market;

(s) Taking steps to ensure that women's and girls' unpaid work and contributions to on-farm and off-farm production are recognized and that the burden of such unpaid work is reduced and redistributed;

(t) Creating conditions to support remunerative non-agricultural employment of rural women, including in the informal sector, improve working conditions, increase access to productive resources, invest in relevant infrastructure, public services and time- and labour-saving technologies, promote the paid employment of rural women in the formal economy, and address the structural and underlying causes of the difficult conditions of rural women;

(u) Promoting programmes and services to enable rural women and men to reconcile their work and family responsibilities and to encourage men to share, equally with women, household, childcare and other care responsibilities;

(v) Developing strategies to decrease women's vulnerability to environmental factors and the impacts of climate change while promoting rural women's full participation in protecting the environment;

(w) Considering the adoption, where appropriate, of national legislation to protect the knowledge, innovations and practices of women in indigenous and local communities relating to traditional medicines, biodiversity and indigenous technologies;

(x) Addressing the lack of timely, reliable data disaggregated by sex, age and disability, including by intensifying efforts to include women's unpaid work in

official statistics, and developing a systematic and comparative research base on rural women that will inform policy and programme decisions;

(y) Strengthening the capacity of national statistical offices and other relevant institutions to collect, analyse and disseminate sex- and age-disaggregated data and gender statistics on, inter alia, time use, unpaid work, land tenure, water sanitation and energy, to support policies and actions to improve the situation of rural women and girls and to monitor and track the implementation of the Sustainable Development Goals;

(z) Designing, revising and implementing laws to ensure that rural women are accorded full and equal rights to own and lease land and other property, including through the equal right to inheritance, and undertaking administrative reforms and all necessary measures to give women the same right as men to credit, capital, appropriate technologies and access to markets and information, and to ensure their equal access to justice and legal support;

(aa) Supporting a gender-sensitive education system that considers the specific needs of rural women and girls in order to eliminate gender stereotypes and discriminatory tendencies affecting them, including through community-based dialogue involving women and men and girls and boys;

(bb) Promoting education, training and relevant information programmes for rural and farming women through the use of affordable and appropriate technologies and the mass media, and taking concrete measures to improve rural women's skills, productivity and employment opportunities through technical, agricultural and vocational education and training;

3. *Encourages* Member States, United Nations entities and all other relevant stakeholders to promote access to social protection for female-headed rural households;

4. *Requests* the relevant organizations and bodies of the United Nations system, in particular those dealing with issues of development, to address and support the empowerment of rural women and their specific needs in their programmes and strategies;

5. *Stresses* the need to identify the best practices for ensuring that rural women have access to and full and equal participation in the area of information and communications technology, to address the priorities and needs of rural women and girls as active users of information and to ensure their participation in developing and implementing global, regional and national information and communications technology strategies, taking appropriate educational measures to eliminate gender stereotypes regarding women in the field of technology;

6. *Calls upon* Member States to consider the concluding observations and recommendations of the Committee on the Elimination of Discrimination against Women, in particular, and the recommendations of the Committee on Economic, Social and Cultural Rights concerning their reports to those Committees when formulating policies and designing programmes focused on the improvement of the situation of rural women, including those to be developed and implemented in cooperation with relevant international organizations;

7. *Invites* Governments to promote the economic empowerment of rural women, including through entrepreneurship training, and to develop and implement

gender-responsive, climate-resilient rural development strategies and agricultural production, including budget frameworks and relevant assessment measures, as well as to ensure that the needs and priorities of rural women and girls are systematically addressed and that they can effectively contribute to poverty alleviation, hunger eradication and food security and nutrition;

8. *Invites* the Commission on the Status of Women to give consideration to the issue of the empowerment of rural women in a timely and appropriate manner;

9. *Invites* Governments, relevant international organizations and the specialized agencies to continue to observe the International Day of Rural Women annually, on 15 October, as proclaimed by the General Assembly in its resolution 62/136;

10. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the implementation of the present resolution.

United Nations A/C.3/70/L.25

General Assembly

Distr.: Limited
23 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (a)
**Promotion and protection of human rights: implementation of human rights instruments**

**Mexico, New Zealand and Sweden: draft resolution**

# Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

*The General Assembly*,

*Recalling* its previous relevant resolutions, the most recent of which was resolution 67/160 of 20 December 2012, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

*Recalling also* its resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system,

*Recalling further* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

*Welcoming* the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities[1] and the Optional Protocol thereto[2] on 30 March 2007, 160 States have signed and 159 States and 1 regional integration organization have ratified or acceded to the Convention and 92 States have signed and 88 States have ratified the Optional Protocol,

*Bearing in mind* the upcoming tenth anniversary of the adoption of the Convention, to be commemorated in December 2016,

[1] United Nations, *Treaty Series*, vol. 2515, No. 44910.
[2] Ibid., vol. 2518, No. 44910.

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*Welcoming* the appointment of the Special Rapporteur on the rights of persons with disabilities by the Human Rights Council and her report to the General Assembly on the right of persons with disabilities to social protection,[3]

*Noting with appreciation* the work and activities that have been and continue to be undertaken in support of the Convention, including the report of the Secretary-General,[4] the work of the Committee on the Rights of Persons with Disabilities, the Special Rapporteur and the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities,

*Acknowledging* the contribution of recent international meetings and their outcome documents, including the high-level meeting of the General Assembly on the realization of the Millennium Development Goals and other internationally agreed development goals for persons with disabilities: the way forward, a disability-inclusive development agenda towards 2015 and beyond,[5] held on 23 September 2013, the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[6] held on 22 and 23 September 2014, the Third United Nations World Conference on Disaster Risk Reduction,[7] held in Sendai, Japan, from 14 to 18 March 2015, and the United Nations summit for the adoption of the post-2015 development agenda,[8] held from 25 to 27 September 2015, towards the fulfilment and mainstreaming of the rights of persons with disabilities,

*Welcoming* the inclusion of persons with disabilities in the 2030 Agenda for Sustainable Development, adopted on 25 September 2015,

*Expressing concern* about the situation of women and girls with disabilities and that women and girls with disabilities face multiple and intersecting forms of discrimination,

1. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention on the Rights of Persons with Disabilities[1] and the Optional Protocol thereto[2] as a matter of priority;

2. *Encourages* States that have ratified the Convention and submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Invites* the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol thereto, bearing in mind that the upcoming tenth anniversary of the adoption of the Convention offers an opportunity to create new momentum towards its universalization, including by providing assistance with a view to achieving universal adherence;

4. *Urges* States to continue to support the inclusion of persons with disabilities in the implementation of the Sustainable Development Goals by supporting the disaggregation of data by disability and specific indicators to

[3] A/70/297.
[4] A/69/284.
[5] Resolution 68/3.
[6] Resolution 69/283.
[7] Resolution 69/2.
[8] Resolution 70/1.

measure the advancement of States in the implementation of the 2030 Agenda for Sustainable Development,[8] as well as programming policies related to the Goals following the rights-based approach to disability, according to their international obligations;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol thereto, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

6. *Invites* the Chair of the Committee on the Rights of Persons with Disabilities and the Special Rapporteur on the rights of persons with disabilities to address and engage in interactive dialogues with the General Assembly annually, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

7. *Invites* the President of the General Assembly to convene a high-level panel meeting in late 2016 to commemorate the tenth anniversary of the adoption of the Convention and promote its universalization;

8. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on the situation of women and girls with disabilities, in consultation with the Office of the United Nations High Commissioner for Human Rights and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) using existing available material, and to include a segment on the status of the Convention and the Optional Protocol thereto;

9. *Also requests* the Secretary-General to continue to ensure that the work of the Office of the United Nations High Commissioner for Human Rights with respect to the rights of persons with disabilities has resource adequate for the fulfilment of its tasks;

10. *Decides* to remain seized of the matter.

United Nations A/C.3/70/L.26

General Assembly

Distr.: Limited
23 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 69 (a)
**Rights of indigenous peoples**

**Bolivia (Plurinational State of) and Ecuador: draft resolution**

## Rights of indigenous peoples

*The General Assembly*,

*Recalling* all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples, reaffirming its resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011, 67/153 of 20 December 2012, 68/149 of 18 December 2013, 69/2 of 22 September 2014 and 69/159 of 3 February 2015, and recalling Human Rights Council resolutions 27/13 of 25 September 2014[1] and 30/4 of 1 October 2015,

*Recalling also* Human Rights Council resolution 30/11 of 1 October 2015 on the review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples,

*Welcoming* the commitments and efforts made by States, the United Nations system, indigenous peoples and other actors to make fully operational the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in New York on 22 and 23 September 2014,[2]

*Encouraging* the continued active engagement of indigenous peoples in the implementation of the outcome document, including at the regional and global levels,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development,[3] in which global Sustainable Development Goals were decided for the full benefit of all, including indigenous peoples who must be empowered,

*Reaffirming* the United Nations Declaration on the Rights of Indigenous Peoples,[4] which addresses their individual and collective rights,

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[1] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.
[2] Resolution 69/2.
[3] Resolution 70/1.
[4] Resolution 61/295, annex.



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*Stressing* the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts in order to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

*Recalling* the responsibility of transnational corporations and other business enterprises to respect all applicable laws and international principles and operate transparently and in a socially and environmentally responsible manner to prevent abuses of the rights of indigenous peoples,

*Recognizing* the value and the diversity of the cultures and the form of social organization of indigenous peoples and their holistic traditional scientific knowledge of their lands, natural resources and environment,

*Recognizing also* the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

*Concerned* about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

*Stressing* the need to pay particular attention to the rights and special needs of indigenous women, children, youth, older persons and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting their access to justice,

1. *Notes with appreciation* the work of the Expert Mechanism on the Rights of Indigenous Peoples, of the Permanent Forum on Indigenous Issues and of the Special Rapporteur on the rights of indigenous peoples, takes note of her report,[5] and encourages all Governments to respond favourably to her requests for visits;

2. *Welcomes* the report of the Secretary-General on progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[6] and urges Governments and the United Nations system, in consultation and cooperation with indigenous peoples through their representatives and institutions, to continue to implement appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples[4] and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service, and invites international and regional organizations, within their respective mandates, national human rights institutions, where they exist, civil society, including non-governmental organizations, and other relevant actors to contribute to those efforts;

[5] A/70/301.

[6] A/70/84-E/2015/76.

3. *Reiterates* the commitment of Member States to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

4. *Reaffirms* the decision to convene a high-level event to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, to be held during the seventy-first session of the General Assembly, in 2017, and that the event will take stock of the achievements of the preceding 10 years and assess the remaining challenges for the rights of indigenous peoples, and also consider the further follow-up to the Declaration, including the consideration of a third International Decade;

5. *Welcomes* the leadership of the Secretary-General and of the Under-Secretary-General for Economic and Social Affairs, as the senior official of the United Nations system responsible for coordinating follow-up action to the World Conference on Indigenous Peoples, in conducting consultations with indigenous peoples, the Inter-Agency Support Group on Indigenous Peoples' Issues and Member States, to develop, within existing resources, a system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, raising awareness of the rights of indigenous peoples and increasing the coherence of the activities of the system in this regard;

6. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization[7] to consider doing so and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support of States for the Declaration;

7. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the United Nations Voluntary Fund for Indigenous Peoples, the Trust Fund on Indigenous Issues and the United Nations Indigenous Peoples' Partnership, and invites indigenous organizations and private institutions and individuals to do likewise;

8. *Decides* to continue to observe in New York, Geneva and other United Nations offices every year on 9 August the International Day of Indigenous Peoples, to request the Secretary-General to support the observance of the day from within existing resources and to encourage Governments to observe the day at the national level;

9. *Encourages* States to consider including in their reports related to indigenous peoples and women information on the progress made and challenges in the implementation of Commission on the Status of Women resolutions 49/7 of 11 March 2005, entitled "Indigenous women: beyond the ten-year review of the Beijing Declaration and Platform for Action",[8] and 56/4 of 9 March 2012, entitled "Indigenous women: key actors in poverty and hunger eradication";[9]

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[7] United Nations, *Treaty Series*, vol. 1650, No. 28383.

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. D.

[9] Ibid., *2012, Supplement No. 7* and corrigendum (E/2012/27 and Corr.1), chap. I, sect. D.

10. *Also encourages* States to consider including in their national and global reports information related to indigenous peoples on the progress made and challenges in the implementation of the 2030 Agenda for Sustainable Development,[3] as culturally relevant, quality, accessible, timely and reliable disaggregated data will be needed to help with the measurement of progress in relation to indigenous peoples and to ensure that no one is left behind;

11. *Further encourages* States, in consultation and cooperation with indigenous peoples, to take the appropriate measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and to promote awareness of it among all sectors of society, including members of legislative, judicial and civil service bodies;

12. *Underlines* the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to support measures that will ensure their empowerment and full and effective participation in decision-making processes at all levels and in all areas and eliminate barriers to their full, equal and effective participation in political, economic, social and cultural life;

13. *Stresses* the need to strengthen the commitment of States and the entities of the United Nations system to mainstreaming the promotion and protection of the rights of indigenous peoples into development policies and programmes at the national, regional and international levels, and encourages giving due consideration to the rights of indigenous peoples in the implementation of the 2030 Agenda for Sustainable Development;

14. *Encourages* States and entities of the United Nations system to strengthen international cooperation, including to address the disadvantages faced by indigenous peoples, and to increase technical cooperation and financial assistance in this regard;

15. *Reaffirms* its decision in the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples[2] to continue at its seventieth session the consideration of the specific proposals made by the Secretary-General on ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them;[10]

16. *Commits itself* to ensuring the active participation of indigenous peoples in the process of determining their participation, in partnership with Member States, before a procedure is finalized and adopted by the General Assembly, and, where necessary, other United Nations intergovernmental bodies;

17. *Decides* to include in the provisional agenda of its seventy-first session, under the item entitled "Rights of indigenous peoples", the sub-item entitled "Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples".

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[10] See A/70/84-A/2015/76, sect. V.D.

United Nations A/C.3/70/L.27

General Assembly

Distr.: Limited
26 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (a)
**Promotion and protection of human rights: implementation of human rights instruments**

**Armenia, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution**

# Torture and other cruel, inhuman or degrading treatment or punishment

*The General Assembly*,

*Reaffirming* its previous resolutions on torture and other cruel, inhuman or degrading treatment or punishment,

*Reaffirming also* that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, that must be respected and protected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

*Recalling also* that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment as customary international law,

*Recalling further* the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or



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Punishment[1] and the obligation of States to abide strictly by the definition of torture contained in article 1, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application, and emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment,

*Noting* that, under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

*Recognizing* the importance of the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance,[4] which makes a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention and by ensuring legal and procedural safeguards for persons deprived of their liberty, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

*Commending* the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

*Deeply concerned* about all acts which can amount to torture and other cruel, inhuman or degrading treatment or punishment committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Also condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[2] Ibid., vol. 75, Nos. 970-973.
[3] Ibid., vol. 2187, No. 38544.
[4] Resolution 61/177, annex.

security and counter-terrorism or through judicial decisions, and urges States to ensure the accountability of those responsible for all such acts;

3. *Stresses* that States must neither punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment nor allow pleas of *respondeat superior* as a criminal defence in cases in which such orders were obeyed;

4. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished, and in this regard notes the efforts of the International Criminal Court to end impunity by seeking to ensure accountability and punishment of perpetrators of such acts, in accordance with the Rome Statute,[3] bearing in mind its principle of complementarity, and encourages States that have not yet done so to consider ratifying or acceding to the Rome Statute;

5. *Also emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under national criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under national law acts constituting cruel, inhuman or degrading treatment or punishment;

6. *Stresses* that States must ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, urges States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where given, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

8. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

9. *Urges* States to ensure that border control operations and reception centres fully comply with international human rights obligations and commitments, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

10. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty,

including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

11. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel throughout all stages of detention, as well as visits by family members and independent monitoring mechanisms, are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

12. *Welcomes* the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), and invites States to assess their national legislation and practices in accordance with them;

13. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished;

14. *Emphasizes* that conditions of detention must respect the dignity and human rights of persons deprived of their liberty, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of persons deprived of their liberty, calls upon States to address and prevent detention conditions amounting to torture or cruel, inhuman or degrading treatment or punishment, and notes in this regard concerns about solitary confinement and overcrowding in detention;

15. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges States to consider establishing, appointing, maintaining or enhancing independent and effective mechanisms that have experts with the required capabilities and professional knowledge to undertake monitoring visits to places of detention, inter alia, with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or establish national preventive mechanisms that are truly independent, properly resourced and effective;

16. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

17. *Urges* all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations,

[5] United Nations, *Treaty Series*, vol. 2375, No. 24841.

including the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment;

18. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

19. *Also urges* States to ensure accountability for any act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct against any person, group or association, including persons deprived of their liberty, for cooperating, seeking to cooperate or having cooperated with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment by ensuring impartial, prompt, independent and thorough investigations of any alleged act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct; to bring the perpetrators to justice; to provide access to effective remedies for victims, in accordance with their international human rights obligations and commitments; and to prevent any recurrence;

20. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, regardless of where such acts have been committed, if the alleged offender is present in any territory under their jurisdiction, and encourages other States also to do so, bearing in mind the need to fight impunity;

21. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment and to ensure that such information is accessible in accordance with applicable law;

22. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

23. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[6] as a valuable tool in efforts to prevent and

[6] Resolution 55/89, annex.

combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;[7]

24. *Emphasizes* that States shall keep under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing cases of torture;

25. *Encourages* all States to ensure that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending and, if such persons are convicted, after the conviction;

26. *Calls upon* all States to adopt a victim-oriented approach[8] in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims in policy development and other activities relating to rehabilitation, prevention and accountability for torture;

27. *Also calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

28. *Calls upon* States to ensure that the rights of persons belonging to marginalized or vulnerable groups, including persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[9] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in this regard;

29. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment have effective access to justice and obtain redress without suffering any retribution for bringing complaints or giving evidence;

30. *Calls upon* States to provide redress for victims of torture or other cruel, inhuman or degrading treatment or punishment, encompassing effective remedy and adequate, effective and prompt reparation, which should include restitution, fair and adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition, taking into full account the specific needs of the victim;

31. *Urges* States to ensure that appropriate rehabilitation services are promptly available to all victims without discrimination of any kind and without limitation in time until the fullest rehabilitation possible is achieved, provided either directly by the public health system or through the funding of private rehabilitation facilities, including those administered by civil society organizations, and to consider making rehabilitation available to the immediate family or dependants of the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

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[7] See E/CN.4/2005/102/Add.1.

[8] See A/HRC/16/52.

[9] United Nations, *Treaty Series*, vol. 2515, No. 44910.

32. *Also urges* States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

33. *Urges* all States that have not yet done so to become parties to the Convention against Torture and the Optional Protocol thereto as a matter of priority;

34. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20, to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18, with a view to enhancing the effectiveness of the Committee against Torture as soon as possible, and to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning persons belonging to marginalized or vulnerable groups, including children and juveniles and persons with disabilities, when submitting reports to the Committee;

35. *Welcomes* the work of the Committee and of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and their reports, recommends that they continue to include information on the follow-up by States parties to their recommendations, supports the Committee and the Subcommittee in their efforts to further improve the effectiveness of their working methods, and invites the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its seventy-first and seventy-second sessions under the sub-item entitled "Implementation of human rights instruments" of the item entitled "Promotion and protection of human rights";

36. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose, and to provide the support necessary to enable the Subcommittee to provide advice and assistance to States parties to the Optional Protocol;

37. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee, the Subcommittee, national preventive mechanisms and the Special Rapporteur, while recognizing the important role of the universal periodic review, national human rights institutions and other relevant national or regional bodies in preventing torture and other cruel, inhuman or degrading treatment or punishment;

38. *Welcomes* the interim report of the Special Rapporteur addressing the extraterritorial application of the prohibition of torture and other ill-treatment and

attendant obligations under international law,[10] encourages him to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations, and requests him to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

39. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by him to visit their countries and to enter into a constructive dialogue with him on requested visits to their countries;

40. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

41. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

42. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, welcomes the establishment of and encourages contributions to the Special Fund established by the Optional Protocol to support the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

43. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds, to include the Funds, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to submit to the Human Rights Council, and to the General Assembly at its seventy-first and seventy-second sessions, a report on the operations of the Funds;

[10] A/70/303.

44. *Welcomes* the Convention against Torture initiative, launched in March 2014 on the thirtieth anniversary of the adoption of the Convention, to achieve the universal ratification and improved implementation of the Convention by 2024, as well as related regional initiatives on the prevention and eradication of torture;

45. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

46. *Decides* to consider at its seventy-first and seventy-second sessions the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee, the report of the Subcommittee and the interim report of the Special Rapporteur;

47. *Also decides* to give its full consideration to the subject matter at its seventy-second session.

United Nations A/C.3/70/L.27/Rev.1

General Assembly

Distr.: Limited
6 November 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (a)
**Promotion and protection of human rights: implementation of human rights instruments**

**Albania, Argentina, Armenia, Australia, Austria, Belgium, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mongolia, Netherlands, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: revised draft resolution**

## Torture and other cruel, inhuman or degrading treatment or punishment

*The General Assembly*,

*Reaffirming* its previous resolutions on torture and other cruel, inhuman or degrading treatment or punishment,

*Reaffirming also* that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, that must be respected and protected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

*Recalling also* that the prohibition of torture is a peremptory norm of international law without territorial limitation and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment as customary international law,



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*Recalling further* the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] and the obligation of States to abide strictly by the definition of torture contained in article 1, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application, and emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment,

*Recognizing* that all States must protect the rights of those facing criminal sentences, including the death penalty and life imprisonment without the possibility of parole, and of other affected persons by complying with their international obligations, including the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment,

*Noting* that, under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

*Recognizing* the importance of the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance,[4] which makes a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention and by ensuring legal and procedural safeguards for persons deprived of their liberty, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

*Commending* the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

*Deeply concerned* about all acts which can amount to torture and other cruel, inhuman or degrading treatment or punishment committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[2] Ibid., vol. 75, Nos. 970-973.
[3] Ibid., vol. 2187, No. 38544.
[4] Resolution 61/177, annex.

prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Also condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security and counter-terrorism or through judicial decisions, and urges States to ensure the accountability of those responsible for all such acts;

3. *Stresses* that States must neither punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment nor allow pleas of respondeat superior as a criminal defence in cases in which such orders were obeyed;

4. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished, and in this regard notes the efforts of the International Criminal Court to end impunity by seeking to ensure accountability and punishment of perpetrators of such acts, in accordance with the Rome Statute,[3] bearing in mind its principle of complementarity, and encourages States that have not yet done so to consider ratifying or acceding to the Rome Statute;

5. *Also emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under national criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under national law acts constituting cruel, inhuman or degrading treatment or punishment;

6. *Stresses* that States must ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, urges States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where given, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

8. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

9. *Urges* States to ensure that border control operations and reception centres fully comply with international human rights obligations and commitments, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

10. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

11. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel throughout all stages of detention, as well as visits by family members and independent monitoring mechanisms, are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

12. *Welcomes* the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and invites States to assess their national legislation and practices in accordance with them;

13. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished;

14. *Emphasizes* that conditions of detention must respect the dignity and human rights of persons deprived of their liberty, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of persons deprived of their liberty, calls upon States to address and prevent detention conditions amounting to torture or other cruel, inhuman or degrading treatment or punishment, notes in this regard concerns about solitary confinement, and encourages States to take effective measures to address overcrowding in detention facilities, which may have an impact on the dignity and human rights of persons deprived of their liberty;

15. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges States to consider establishing, appointing, maintaining or enhancing independent and effective mechanisms that have experts with the required capabilities and professional knowledge to undertake monitoring visits to places of detention, inter alia, with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or

[5] United Nations, *Treaty Series*, vol. 2375, No. 24841.

establish national preventive mechanisms that are truly independent, properly resourced and effective;

16. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

17. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

18. *Also urges* States to ensure accountability for any act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct against any person, group or association, including persons deprived of their liberty, for cooperating, seeking to cooperate or having cooperated with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment by ensuring impartial, prompt, independent and thorough investigations of any alleged act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct; to bring the perpetrators to justice; to provide access to effective remedies for victims, in accordance with their international human rights obligations and commitments; and to prevent any recurrence;

19. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, regardless of where such acts have been committed, if the alleged offender is present in any territory under their jurisdiction, and encourages other States also to do so, bearing in mind the need to fight impunity;

20. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment and to ensure that such information is accessible in accordance with applicable law;

21. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

22. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (the Istanbul Principles)[6] as a valuable tool in efforts to prevent and combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;[7]

23. *Emphasizes* that States shall keep under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing cases of torture;

24. *Encourages* all States to ensure that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending and, if such persons are convicted, after the conviction;

25. *Calls upon* all States to adopt a victim-oriented approach[8] in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims in policy development and other activities relating to rehabilitation, prevention and accountability for torture;

26. *Also calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

27. *Calls upon* States to ensure that the rights of persons belonging to marginalized communities and those most vulnerable, including persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[9] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in this regard;

28. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment have effective access to justice and obtain redress without suffering any retribution for bringing complaints or giving evidence;

29. *Calls upon* States to provide redress for victims of torture or other cruel, inhuman or degrading treatment or punishment, encompassing effective remedy and adequate, effective and prompt reparation, which should include restitution, fair and adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition, taking into full account the specific needs of the victim;

30. *Urges* States to ensure that appropriate rehabilitation services are promptly available to all victims without discrimination of any kind and without limitation in time until the fullest rehabilitation possible is achieved, provided either directly by the public health system or through the funding of private rehabilitation facilities, including those administered by civil society organizations, and to consider making rehabilitation available to the immediate family or dependants of

[6] Resolution 55/89, annex.
[7] See E/CN.4/2005/102/Add.1.
[8] See A/HRC/16/52.
[9] United Nations, *Treaty Series*, vol. 2515, No. 44910.

the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

31. *Also urges* States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

32. *Urges* all States that have not yet done so to become parties to the Convention against Torture and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

33. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20, to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18, with a view to enhancing the effectiveness of the Committee against Torture as soon as possible, and to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning persons belonging to marginalized communities and those most vulnerable, including children and juveniles and persons with disabilities, when submitting reports to the Committee;

34. *Welcomes* the work of the Committee and of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and their reports, recommends that they continue to include information on the follow-up by States parties to their recommendations, supports the Committee and the Subcommittee in their efforts to further improve the effectiveness of their working methods, and invites the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its seventy-first and seventy-second sessions under the sub-item entitled "Implementation of human rights instruments" of the item entitled "Promotion and protection of human rights";

35. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose, and to provide the support necessary to enable the Subcommittee to provide advice and assistance to States parties to the Optional Protocol;

36. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee, the Subcommittee, national preventive mechanisms and the Special Rapporteur, while recognizing the important role of the universal periodic review, national human rights institutions and other relevant national or regional bodies in preventing torture and other cruel, inhuman or degrading treatment or punishment;

37. *Takes note with appreciation* of the interim reports of the Special Rapporteur addressing the key role that forensic science plays regarding the obligation of States to effectively investigate and prosecute allegations of torture or other cruel, inhuman or degrading treatment or punishment[10] and the extraterritorial application of the prohibition of torture and other ill-treatment and attendant obligations under international law,[11] encourages him to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations, and requests him to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

38. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by him to visit their countries and to enter into a constructive dialogue with him on requested visits to their countries, as well as with respect to the follow-up to his recommendations;

39. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

40. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

41. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, welcomes the establishment of and encourages contributions to the Special Fund established by the Optional Protocol to support the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

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[10] A/69/387.

[11] A/70/303.

42. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds, to include the Funds, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to submit to the Human Rights Council, and to the General Assembly at its seventy-first and seventy-second sessions, a report on the operations of the Funds;

43. *Welcomes* the Convention against Torture Initiative, launched in March 2014 on the thirtieth anniversary of the adoption of the Convention, to achieve the universal ratification and improved implementation of the Convention by 2024, as well as related regional initiatives on the prevention and eradication of torture;

44. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

45. *Decides* to consider at its seventy-first and seventy-second sessions the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee, the report of the Subcommittee and the interim report of the Special Rapporteur;

46. *Also decides* to give its full consideration to the subject matter at its seventy-second session.